

EXHIBIT A

SMITH, CROTTY, MEYER & BRUINS
ATTORNEYS AT LAW
851 FRANKLIN LAKE ROAD
FRANKLIN LAKES, NEW JERSEY 07417-2242

WILLIAM T. SMITH (NJ & NY BARS)
FRANCIS P. CROTTY

TEL 201 851-1900
FAX 201 851-8677

GORDON D. MEYER (PERD.)
DAVID R. BRUINS
OF COUNSEL

wm@lawnj.com
fcrotty@lawnj.com
dbruins@lawnj.com

VIA 1st CLASS MAIL)

January 23, 2021

Hon. William J. Martini, U.S.D.J.
U.S. District Court, District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

RE: *Wyckoff Properties, LP, et al. v. Selective Insurance Company, et al.*
U.S.D.C., D.N.J., No. 2:21-cv-00238-WJM-MF

**NOTICE OF DISMISSAL BY CENZINO RISTORANTE, LLC, D/B/A CENZINO'S
ONLY AS TO DEFENDANT, BERKSHIRE AMGUARD INSURANCE COMPANY**

Dear Judge Martini:

My office represents the plaintiffs in the above-referenced insurance-coverage action, recently removed from the Superior Court of New Jersey, Bergen County (Docket No. BER-L-007036-20). We have enclosed a Notice of Dismissal pursuant to Federal Rule 41(a) filed by one of the plaintiffs, Cenzino Ristorante, LLC, D/B/A Cenzino's, as to one of the defendants, Berkshire Amguard Insurance Company. My office had a problem electronically filing the Notice of Dismissal but we expect to file the enclosed electronically early next week.

Respectfully submitted

Smith, Crotty, Meyer & Bruins

By: Francis P. Crotty

Enclosure (Notice of Dismissal)

cc: Timothy Carroll, Esquire
Timothy.Carroll@clydeco.us
Counsel for Defendant, Zurich Ins. Co.

Susan M. Leming, Esquire

sleming@brownconnery.com

Counsel for Defendant, Berkshire Hathaway Guard Insurance Company

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK VICINAGE

WYCKOFF PROPERTIES, LP, D/B/A :
ALDO'S PANE & VINO, WYCKOFF INN : Civil Action No.: 2:21-cv-00238-WJM-MF
LTD, T/A THE BRICK HOUSE, TASTE :
BUDS, LLC D/B/A THE MASON JAR, :
CENZINO RISTORANTE LLC, D/B/A :
CENZINO'S, ELAN CATERERS, LLC, :
QUE PASTA, LLC & FRANKLIN LAKES :
COUNTRY CAFÉ, LLC, :
Plaintiffs, :
v. :
SELECTIVE INSURANCE COMPANY, :
AMERICAN ZURICH INSURANCE :
COMPANY, BERKSHIRE HATHAWAY :
GUARD INSURANCE COMPANY & :
HARLEYSVILLE INSURANCE COMPANY :
Defendants. :
:

**NOTICE OF DISMISSAL PURSUANT
TO FEDERAL RULES OF CIVIL
PROCEDURE 41(a) or (c)**

PLEASE TAKE NOTICE:

This action is dismissed, without prejudice, by the Plaintiff, Cenzino Ristorante, LLC, D/B/A Cenzino's, only.

The Counterclaim brought by Claimant(s) _____ is dismissed by the Claimant(s) in its entirety.

The Cross-Claim brought by Claimant(s) _____ is dismissed by the Claimant(s) in its entirety.

The Third-party Claim brought by Claimant(s) _____ is dismissed by the Claimant(s) in its entirety.

ONLY Defendant(s) Berkshire Hathaway Guard Insurance Company only.
Is/are dismissed from (check one) Complaint, Counterclaim, Cross-claim, Third-Party Claim brought by Cenzino Ristorante, LLC, D/B/A Cenzino's, only.

The dismissal is made pursuant to F.R.Civ.P. 41(a) or (c).

1/22/21
Date


Francis P. Crotty

017761975
Attorney ID No.

NOTE: F.R.Civ.P. 41(a): This notice may be filed at any time before service by the adverse party of an answer of a motion for summary judgment, whichever first occurs.

F.R.Civ.P. 41(c): Counterclaims, cross-claims & third-party claims may be dismissed before service of a responsive pleading or prior to the beginning of trial.

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

WYCKOFF PROPERTIES, LP, D/B/A ALDO'S PANE &
VINO, et al.

(b) County of Residence of First Listed Plaintiff BERGEN
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

SMITH, CROTTY, MEYER & BRUINS (201-891-1900)
851 Franklin Lake Rd, Franklin Lakes, NJ 07417

DEFENDANTS

SELECTIVE INSURANCE COMPANY, AMERICAN
ZURICH INSURANCE COMPANY, et al.

County of Residence of First Listed Defendant SUSSEX

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

BROWN & CONNERY, LLP
CLYDE & COMPANY

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability		<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability			<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability			<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle			<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 850 Securities/Commodities/ Exchange
		<input type="checkbox"/> 385 Property Damage Product Liability		<input checked="" type="checkbox"/> 890 Other Statutory Actions
				<input type="checkbox"/> 891 Agricultural Acts
				<input type="checkbox"/> 893 Environmental Matters
				<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 896 Arbitration
				<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
				<input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> Habeas Corpus:	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 871 IRS—Third Party	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	26 USC 7609	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty		
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> Other:		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
------------------------------------------------	-----------------------------------------------------	----------------------------------------------------------	---------------------------------------------------	------------------------------------------------------------------------	----------------------------------------------------------------	-------------------------------------------------------------------

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause:
Declaratory Judgment Action Re: Insurance Coverage (note 1: numerous cases filed in Superior Court of NJ)

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER see note 1, above

DATE

1/22/2021

FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____